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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/805,407

03/12/2001

Glen Franklin Wetzel

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7590

02/23/2005

AGILENT TECHNOLOGIES, INC.

Legal Department, M/S DL429

Intellectual Property Administration

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LOVELAND, CO 80537

EXAMINER

PAYNE, DAVID C

ART UNIT

PAPER NUMBER

2633

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,407

Applicant(s)

WETZEL ET AL

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 29-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dantu et al. US 6,532,088 B1 (Dantu) in view of Blair et al. US 6,414,767 B1 (Blair).

Re claim 29, Dantu disclosed

A method of discovering an optical interconnect path, the method comprising: sending, from a first port of a first node, a first identification of the first node; and receiving (see Dantu e.g., col./line: 8/55-60), at a first port of a second node, the first identification of the first node wherein the interconnect path is the path between the first port of the first node and the first port of the second node see Dantu e.g., col./line: 8/40-50). a control circuit connected to the optical switch (see Dantu 402 of Fig. 4); and wherein the control circuit having node identification (see Dantu e.g., col./line: 8/55-60), wherein each port of the node is identified with a port identification (see Dantu e.g., col./line: 16/35-45).

Dantu does not disclose

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a light source connected to a first port of the optical switch adapted to send optical signal to identify the optical node; a light detector and wherein the light detector is connected to a second port of the optical switch for detecting optical signals identifying another optical node.

Blair disclosed

a light source connected to a first port (see Blair Tx_s (N₁) of Figure 1); a light detector and wherein the light detector is connected to a second port (see Blair Rx_s (N₁) of Figure 1).

It would have been obvious to one of ordinary skill in the art at the time of invention to use a light source and light detector in the Dantu invention in this configuration in order to send and receive the optical signals in Dantu's Fiber Optic ring (see Dantu e.g., col./line: 4/39-45). While the light source and detector were not explicitly disclosed in Dantu, these components are extremely well known in the art in fiber optical networks.

4. Claims 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dantu et al. US 6,532,088 B1 (Dantu) in view of Blair et al. US 6,414,767 B1 (Blair) as applied to claim 29 above, and in further view of Bhat et al. US 5,684,959 (Bhat).

Re claim 30, 32, 33, 34, 35, the modified invention of Dantu and Blair as disclosed does not disclose that that the control circuit forwards connection information to a router.

Bhat disclosed

a method of determining the topology of a network by allowing nodes (e.g., 108, 110 and 112 of Figure 1) on an FDDI network to map port connection topology and transmit that information up to a network advisor station (116 of Figure 1). Furthermore, Dantu disclosed that anyone of the nodes could function as the router.

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It would have been obvious to one of ordinary skill in the art at the time of invention to forward the topology information up from the nodes to the router in Dantu as does Bhat to the network advisor given that both can be used to make routing decisions in the network and that the aggregating topology information from the nodes helps create a physical map for complex networks as discussed in Bhat, see col./lines: 1/30-55.

Re claim 31, 38, the modified invention of Dantu, Blair and Bhat

disclosed requesting topology information (see e.g., abstract Bhat).

Re claim 36 and 37, the modified invention of Dantu, Blair and Bhat

disclosed storing and forwarding the connection information in each node along the route (see Dantu Figure 2 and 4).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp


M. R. SEDIGHIAN
PRIMARY EXAMINER